

REMARKS

This Amendment is submitted in answer to the Office Action dated April 11, 2008. Applicants have amended several of the claims to more clearly and/or completely recite the novel features recited therein. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

Applicants are not conceding in this application that the originally presented claims are not patentable over the art cited by the Examiner. Applicants reserve the right to pursue the originally-filed claims and other claims in one or more continuations or divisional applications.

CLAIM OBJECTIONS

On page 7 of the present Office Action, Claims 1, 10-11, 20-21 and 30 are objected to because of informalities. Applicants has amended Claims 1, 10-11, 20-21 and 30 to remove the informalities contained therein and overcome the objections. The amendments also place the claims in better condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

On page 2 of the present Office Action, Claims 11-20 and 21-30 are rejected under 35 U.S.C. § 101. In response, Applicant has proposed amendments to Claim 11-20 to additionally define a processor and hardware structure of the “system”, which now clearly recites patentable subject matter per 35 U.S.C. § 101. Additionally, Applicant has proposed amendments to 21-30 to further distinguish a “tangible computer storage medium” as comprising a physical structure. Because Claims 11-20 define a processor and hardware structure of the “system” and Claims 21-30 now specifically recited a concrete and tangible result, Applicant respectfully submits that the § 101 rejection is overcome.

DOUBLE PATENTING

In paragraph 3 of the present Office Action, Claims 1-6, 10-16, 20-26 and 30 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-6, 10-15 and 19-24 of copending U.S. Patent Application 10/774,140. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). The terminal disclaimer overcomes the double patenting rejection and places the claims in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,329 to *Chi* (hereinafter “*Chi*”) in view of No. 2004/0064737 to *Milliken et al.* (hereinafter “*Milliken*”). The combination of *Chi* and *Milliken* does not render Applicants’ claimed invention unpatentable because that combination does not suggest, to one skilled in the art at the time of Applicants’ invention, several of the features recited by the Applicants’ claims.

A. The references do not disclose an anomaly other than a worm or virus.

The rejection of exemplary Claim 1 under § 103 as being unpatentable over *Chi* in view of *Milliken* is not well founded and should be withdrawn because the references do not disclose an anomaly other than a worm or virus. Specifically the combination of references does not teach or suggest any of the features or functionality as related to the anomaly being an attack other than a worm or virus.

Chi generally provides “a method for detecting computer viruses” (col. 2, lines 36-37). The specific section of *Chi* relied upon by Examiner merely provides a method for detecting a plurality of different viruses or worms spanning one or more data streams (col. 3, lines 35-46; col. 4, lines 24-48). Those sections are devoid of any teaching or suggestion of “detecting an anomaly other than a worm or virus in communication traffic”, as recited by Applicants’ claims.

The specific sections of *Milliken* relied upon by Examiner merely provide a method for detecting an incoming network intrusion, such as a polymorphic virus or worm, and restricting intruding malicious traffic (paragraph 0005; paragraphs 0031-0032). Those sections are devoid of any teaching or suggestion of an anomaly other than a worm or virus, as recited by Applicants' claims.

The combination of references generally teach a method for detecting and preventing the transmission of viruses or worms of a network. The combination of references do not teach the an attack other than a worm or virus.

From the above discussion/arguments and the reasons provided therein, it is clear that the combination of references does not suggest key features of Applicants' claimed invention. One skilled in the art would not find Applicants' claimed invention unpatentable over the combination of references. The above claims are therefore allowable over the combination.

CONCLUSION

Having now addressed and overcome each outstanding rejection, Applicants respectfully submit that all claims now pending are in condition for allowance, and Applicants respectfully request such allowance.

Applicants further respectively request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

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